

1 THE HONORABLE MARSHA J. PECHMAN
2
3
4
5
6

7 U.S. DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON

9 DONNA COPELAND, on behalf of herself and
10 all others similarly situated,

11 Plaintiff,

12 vs.

13 ALBION LABORATORIES, INC.; SEEKING
14 HEALTH, LLC; and DESIGNS FOR HEALTH,
15 INC.,

16 Defendants.

17 NO. 2:15-cv-00585-MJP

18 **STIPULATION AND ORDER OF
DISMISSAL PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 41(a)(1)(A)(ii)**

19 **Note on Motion Calendar:
February 29, 2016**

20 **I. STIPULATION**

21 Plaintiff Donna Copeland and Defendants Seeking Health, LLC and Designs for Health,
22 Inc. (collectively, the “Parties”), by and through their undersigned counsel of record, hereby
23 stipulate as follows:

24 WHEREAS Fed. R. Civ. P. 41(a) permits the Parties to voluntarily dismiss an action
25 without a court order by filing a stipulation of dismissal signed by all parties who have
26 appeared;

27 WHEREAS this case has not been certified as a class action under Fed. R. Civ. P. 23;

STIPULATION AND ORDER OF DISMISSAL PURSUANT
TO FEDERAL RULE OF CIVIL PROCEDURE
41(A)(1)(A)(II) - 1

CASE NO. 2:15-CV-00585-MJP

TERRELL MARSHALL LAW GROUP PLLC
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
TEL. 206.816.6603 • FAX 206.350.3528
www.tmdwlaw.com

1 WHEREAS the Parties have negotiated a settlement of Plaintiff's individual claims
 2 only;

3 THEREFORE the Parties agree and stipulate, pursuant to Federal Rule of Civil
 4 Procedure 41(a)(1)(A)(ii), that the above-captioned lawsuit shall be dismissed with prejudice as
 5 to Plaintiff's individual claims and without prejudice as to the potential claims of any absent
 6 putative class members.

7 IT IS SO STIPULATED.

8 RESPECTFULLY SUBMITTED AND DATED this 1st day of March, 2016.

9 TERRELL MARSHALL LAW
 10 GROUP PLLC

NEWMAN DU WORS LLP

11 By: /s/ Adrienne D. McEntee, WSBA #34061
 12 Beth E. Terrell, WSBA #26759
 13 Email: bterrell@tmdwlaw.com
 14 Adrienne D. McEntee, WSBA #34061
 15 Email: amcentee@tmdwlaw.com
 16 936 North 34th Street, Suite 300
 Seattle, Washington 98103-8869
 Telephone: (206) 816-6603

By: /s/ Jake Bernstein, WSBA #39362
 Derek Newman, WSBA#26967
 Email: dn@newmanlaw.com
 Jake Bernstein, WSBA #39362
 Email: jake@newmanlaw.com
 2101 Fourth Avenue, Suite 1500
 Seattle, Washington 98121
 Telephone: (206) 274-2800

17 Kim E. Richman, *Admitted Pro Hac Vice*
 18 E-mail: krichman@richmanlawgroup.com
 THE RICHMAN LAW GROUP
 19 195 Plymouth Street
 Brooklyn, New York 11201
 Telephone: (212) 687-8291

Attorneys for Defendant *Designs for Health, Inc.*

21 Benjamin M. Lopatin, *Admitted Pro
 Hac Vice*
 22 E-mail: blopatin@elplawyers.com
 EGGNATZ, LOPATIN
 & PASCUCCI, LLP
 23 580 California Street, Suite 1200
 San Francisco, California 94104

SAVITT BRUCE & WILLEY LLP

By: /s/ Miles A. Yanick, WSBA #26603
 David N. Bruce, WSBA #15237
 Email: dbruce@sbwllp.com
 Miles A. Yanick, WSBA #26603
 Email: myanick@sbwllp.com
 Caitlin K. Hawks, WSBA#46669
 Email: chawks@sbwllp.com
 1425 Fourth Avenue Suite 800
 Seattle, Washington 98101-2272
 Telephone: (206) 749-0500

25 Attorneys for Plaintiff

Attorneys for Defendant *Seeking Health, LLC*

26 STIPULATION AND ORDER OF DISMISSAL PURSUANT
 27 TO FEDERAL RULE OF CIVIL PROCEDURE
 41(A)(1)(A)(II) - 2

CASE NO. 2:15-CV-00585-MJP

TERRELL MARSHALL LAW GROUP PLLC
 936 North 34th Street, Suite 300
 Seattle, Washington 98103-8869
 TEL. 206.816.6603 • FAX 206.350.3528
 www.tmdwlaw.com

II. ORDER

IT IS SO ORDERED.

DATED this 29th day of February, 2016.

Wassily Klemm

Marsha J. Pechman
United States District Judge

STIPULATION AND ORDER OF DISMISSAL PURSUANT
TO FEDERAL RULE OF CIVIL PROCEDURE
41(A)(1)(A)(II) - 3
CASE NO. 2:15-cv-00585-MJP

CERTIFICATE OF SERVICE

I, Adrienne D. McEntee, hereby certify that on March 1, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Derek Newman, WSBA#26967
Email: dn@newmanlaw.com
Jake Bernstein, WSBA #39362
Email: jake@newmanlaw.com
NEWMAN DU WORS LLP
2101 Fourth Avenue, Suite 1500
Seattle, Washington 98121
Telephone: (206) 274-2800
Facsimile: (206) 274-2801

Attorneys for Defendant Designs for Health, Inc.

David N. Bruce, WSBA #15237
Email: dbruce@sbwllp.com
Miles A. Yanick, WSBA #26603
Email: myanick@sbwllp.com
Caitlin K. Hawks, WSBA#46669
Email: chawks@sbwllp.com
SAVITT BRUCE & WILLEY LLP
1425 Fourth Avenue Suite 800
Seattle, Washington 98101-2272
Telephone: (206) 749-0500
Facsimile: (206) 749-0600

Attorneys for Defendant Seeking Health, LLC

STIPULATION AND ORDER OF DISMISSAL PURSUANT
TO FEDERAL RULE OF CIVIL PROCEDURE
41(A)(1)(A)(II) - 4
CASE NO. 2:15-cv-00585-MJP

TERRELL MARSHALL LAW GROUP PLLC
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
TEL. 206.816.6603 • FAX 206.350.3528
www.tmlawgroup.com

1 DATED this 1st day of March, 2016.
2

3 TERRELL MARSHALL LAW GROUP PLLC
4

5 By: /s/ Adrienne D. McEntee, WSBA #34061
6 Adrienne D. McEntee, WSBA #34061
7 Email: amcentee@tmdwlaw.com
8 936 North 34th Street, Suite 300
9 Seattle, Washington 98103
10 Telephone: (206) 816-6603
11 Facsimile: (206) 350-3528
12

13 *Attorneys for Plaintiff*
14
15
16
17
18
19
20
21
22
23
24
25
26
27

STIPULATION AND ORDER OF DISMISSAL PURSUANT
TO FEDERAL RULE OF CIVIL PROCEDURE
41(A)(1)(A)(II) - 5
CASE NO. 2:15-CV-00585-MJP

TERRELL MARSHALL LAW GROUP PLLC
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
TEL. 206.816.6603 • FAX 206.350.3528
www.tmdwlaw.com